

PROB 12B  
(7/93)

Report Date: October 17, 2008  
FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**United States District Court**

for the

**OCT 21 2008**

**Eastern District of Washington**

**JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender  
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Robert Ibarra

Case Number: 2:06CR00122-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Chief U.S. District Judge

Date of Original Sentence: 11/1/2007

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of a Firearm,  
18 U.S.C. § 922(g)(1) and 924

Date Supervision Commenced: 9/5/2008

Original Sentence: Prison - 366 Days; TSR - 36  
Months

Date Supervision Expires: 9/4/2011

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 20     You shall reside in a residential reentry center for a period of up to 120 days. This placement may include a prerelease component, day reporting, and home confinement (with or without electronic monitoring, but not to include GPS) at the directions of the CCM and USPO. You shall abide by the rules and requirements of the facility. You shall remain at the facility until discharged by the Court.

**CAUSE**

Robert Ibarra violated a condition of his supervised release by being arrested for malicious mischief 3<sup>rd</sup> degree and vehicle prowling 2<sup>nd</sup> degree on or about September 25, 2008, in Spokane Valley, Washington, in violation of the mandatory condition that he not commit another federal, state, or local crime. On September 27, 2008, the offender contacted the undersigned officer regarding the above-referenced new law violations. Mr. Ibarra acknowledged law enforcement contact had occurred as indicated. The offender was instructed to appear in the U.S. Probation Office on Monday, September 29, 2008, in order to address the alleged noncompliant behavior.

On September 29, 2008, the offender appeared in the office and again admitted to being arrested for the above-referenced new law violations. The matter has been set in Spokane County Municipal Court for an arraignment hearing on October 22, 2008. Criminal records have been requested by the U.S. Probation Office. The undersigned officer decided against questioning the offender relative to his involvement given the pending municipal court matter. It appears Mr. Ibarra was released from custody on September 26, 2008. The undersigned officer will continue to monitor the situation and keep the Court apprised of any changes.

The Court may recall that on September 23, 2008, a violation report was submitted explaining the offender's noncompliant behavior following his release from the Bureau of Prisons' (BOP) custody. Robert Ibarra admitted

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consuming cocaine and marijuana on or about September 4, 2008, while in BOP custody. As an intermediate sanction, the offender was directed to abstain from the use of controlled substances and avail himself for treatment purposes. On September 25, 2008, Your Honor concurred with the aforementioned recommendation allowing Robert Ibarra to continue under supervision. Mr. Ibarra has since commenced substance abuse treatment at New Horizon Care Centers. He is also participating in the phase urinalysis testing program.

After consulting with Amy Rubin, federal defender, Robert Ibarra signed the attached waiver of hearing to modify conditions of supervised release agreeing to participate in the residential reentry center (RRC) program. The undersigned officer will facilitate placement at Geiger Corrections Center if Your Honor concurs. However, in the event you choose to have a warrant or summons issued, please advise and the undersigned will prepare the appropriate petition and present it for your signature.

It is respectively recommended that the attached waiver of hearing to modify conditions of supervised release be adopted to require Robert Ibarra to reside in, and satisfactorily participate in, a residential reentry center program as a condition of supervised release for up to 120 days.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10-17-08

Tommy Rosser

Tommy Rosser  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other

[Signature]

Signature of Judicial Officer

October 21, 2008

Date